

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

UNITED STATES

v.

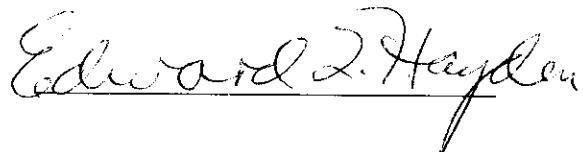
NO. 04-10293-JLT

MARK MARCHESE

AFFIDAVIT OF COUNSEL IN SUPPORT OF  
MOTION FOR PRE-PLEA PRESENTENCE REPORT

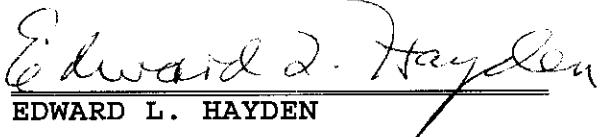
1. My name is Edward L. Hayden. I am an attorney with an office at 7 Franklin Street, Lynn MA
2. I represent the defendant in the above-captioned case.
3. The defendant has expressed his interest in pleading guilty to all counts of the above indictment.
4. The defendant has a lengthy criminal record.
5. The prosecution is alleging that he is a career offender and an armed career offender.
6. From the information available to me, it appears that the prosecution is correct in its assertion. However, because of the length and complexity of the defendant's record I am not sure that he is a career offender or an armed career offender.
7. The prosecutor and I agree that the defendant's sentencing range would be between 262 months and 327 months. Furthermore, if this information is accurate the parties will jointly request that the court sentence the defendant at the low end of the guideline scale.
8. In light of the defendant's record, a pre-plea PSR would avoid an unexpected finding by the probation department which might require an even higher sentencing range.
9. Assistant United States Attorney Paul Moore assents to the request for the pre-plea PSR.

Signed under the pains and penalties of perjury this 15th day of November, 2004.

  
Edward L. Hayden

**CERTIFICATE OF SERVICE**

I, **EDWARD L. HAYDEN**, Attorney of record for the Defendant **MARK MARCHESE**, do hereby certify that I have served the foregoing, **MOTION FOR PRE-PLEA PRESENTENCE REPORT AND AFFIDAVIT IN SUPPORT OF MOTION FOR PRE-PLEA PRESENTENCE REPORT**, by mailing a copy, postage prepaid, to Assistant United States Attorney Paul Moore, United States Attorney's Office, One Courthouse Way, Boston, Massachusetts 02110, on the 16th day of November, 2004.

  
EDWARD L. HAYDEN